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SUMMARY RECORD OF THE 179th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 October 1994, at 10 a.m.

Chairperson: Ms. BADRAN

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GE.94-19342 (E)

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Argentina (continued) (CRC/C/8/Add.2; CRC/C.6/WP.1)

1. The CHAIRPERSON suggested that, in view of time constraints, Committee members should only raise points which they considered to be especially important under each of the remaining sections of the list of issues (CRC/C.6/WP.1). She invited the Committee to consider questions 20 to 22, which read:

"Family environment and alternative care

(Arts. 5, 18, paras. 1-2, 9, 10, 27, para. 4, 20, 21, 11 19, 39 and 25 of the Convention)

20. In the light of the relevant chapter of the adopted guidelines, please provide further information on the measures taken to ensure the implementation of articles 5, 9, 10, 11, 18, 19, 20, 21, 25 and 39 of the Convention.

21. How many persons entitled to benefit from Prevention Programme for Subsidized families are being in fact subsidized (para. 75 of the report)?

22. How many persons benefit from the Emergency Housing Subsidy Scheme (para. 75 of the report)?"

2. Mr. MOMBESHORA requested information concerning legislation on maintenance payments to ensure that parents assumed responsibility for their children.

3. Mr. HAMMARBERG said that, according to figures quoted by the OAS Commission on Human Rights, there were some 92,000 single mothers in Argentina between the ages of 12 and 18 years. A group of NGOs in Argentina further reported that some 25 per cent of births were to girls aged 17 or under. Such information would seem to point to a serious problem of teenage pregnancies. If that was the case, what measures were being taken to help teenage girls avoid pregnancy and to improve education in order to reduce the number of unwanted pregnancies. In that connection, he referred to Argentine's reservation on article 24, paragraph 2 (f).

4. He noted that at an earlier meeting the Argentine delegation had reported that legislation on ill-treatment was being revised and that ill-treatment would be prohibited under the Penal Code. However, a slight reservation seemed to have been expressed concerning the extent of the prohibition of punishment, it being felt that punishment should not exceed certain limits. That seemed to imply that some measure of corporal punishment was permitted. The Committee had in the past discussed that matter with a number of States parties and drawn the conclusion that, given the categorical wording of article 19 of the Convention, any attempt to define a middle path, by determining how much corporal punishment might be administered to a child,

might in some cases serve as an invitation to administer such punishment. Further clarification in the light of article 19 would therefore be welcome. Also in the context of ill-treatment, according to UNICEF, over a three-year period some 300 cases of abuse had been reported at the University Hospital in Buenos Aires; half of them had involved cases of sexual abuse and most had concerned juveniles between the ages of 13 and 15. The figure would seem to indicate that there was a relatively high proportion of sexual abuse within families. The Committee would therefore be interested to receive information on measures to combat such violation of rights, particularly in the case of the girl child.

5. Mgr. BAMBAREN GASTELUMENDI, referring to the question he had raised earlier about efforts to change the attitude of law enforcement personnel in Argentina and inculcate a greater awareness of human rights, asked what, in addition to the legal provisions already outlined, was being done in that direction. For example, in countries such as Argentina, which had been under a military regime, the police and armed forces tended to consider human rights as a medium for subversion. What was being done to change that attitude?

6. Mrs. SARDENBERG asked how Argentine society was reacting to the new perception of children as subjects of rights, what the relationship between the Government and NGOs was in that area, and in what ways the mass media were promoting consciousness-raising activities.

7. Mr. PAZ (Argentina) said, in response to Mgr. Bambaren Gastelumendi's question, that there had been significant progress in promoting and disseminating information on human rights and in imparting knowledge of human rights to the public through direct action. University courses were organized for senior members of the security forces and magistrates, and courses for police officers at all levels were given at recruitment centres. Some courses had received support from the Centre for Human Rights. Courses for provincial police officers were funded and organized at the provincial level, so that they could be adapted to local needs. Such training must be viewed in the context of the security forces' transition from a position of omnipotence and impunity to one where they were expected to act in a manner in keeping with their functions as representatives of the State.

8. Mr. ALVAREZ (Argentina) said, in response to Mr. Mombeshora's question, that the concept of parental duties had been incorporated into Argentine legislation as early as 1919. Failure to perform them had been made subject to civil sanctions under Act No. 1903. Subsequently, in 1954, under Act No. 14,394, criminal sanctions had been introduced. The obligation to pay maintenance was provided for in civil legislation and had been regulated under article 272 of the Civil Code which dated back to 1870, when it had been an innovative step. Claims for maintenance could be submitted by the minor concerned by the public authorities or by any relative on behalf of the minor. Currently, programmes were being implemented under which, in situations where a parent failed to meet his or her responsibilities, advances of funds or financial support could be provided pending legal measures.

9. In response to Mr. Hammarberg's question concerning teenage pregnancies and taking into account the fact that some 700,000 children were born each year in Argentina, he said it seemed unlikely that the proportion would be as

high as 25 per cent, as that would imply some 170,000 births to mothers under 17 years of age in a country where the fertility rate was low overall. It was true that there was an increasing trend towards births outside wedlock, to both mothers who lived alone and cohabiting mothers. The figure of 92,000 births outside wedlock might therefore be taken as reasonably accurate, although not all were necessarily to lone mothers. Concerning Argentina's reservation on article 24, paragraph 2 (f), of the Convention, his Government had regarded the wording of that provision as implying a significant broadening of the scope of paternal responsibility to include parental education at all levels. Argentina was in practice currently targeting young people for education in the exercise of parental responsibility.

10. Concerning ill-treatment, it should be noted that mention was made of "correction", and not "punishment", in article 278 of the Civil Code, and that in the past a parent had been entitled to request that a minor should be admitted to a correctional centre for a period of up to one month. The article had been amended in 1985 and there was no longer any provision for a correctional measure of that nature. Nor was any physical or mental punishment or treatment which showed disrespect for the child permitted. While it must be recognized that intra-family violence existed in Argentina, it was not possible to determine whether the increase in cases reported was the result of an increase in ill-treatment or of a greater readiness to bring such cases to light. The number of cases reported at the University Hospital in Buenos Aires certainly indicated that there was cause for concern. Such cases were drawn to the attention of the judicial authorities responsible for minors and the family. Draft legislation concerning family violence was currently being considered and it was hoped that it would be enacted in the near future.

11. Responding to Mgr. Bambaren Gastelumendi's observations about changing police attitudes, he said it was the intention of the Federal Council, comprising representatives of all the provinces, to ensure full compliance with the Convention by the year 2000 and, specifically, under its ninth target, to abolish the practice of holding offenders under the age of 18 in police stations, detention centres or prisons by 1996.

12. Referring to the ways in which the laudable intention of protecting human rights might at times be distorted, he recalled that in Argentina in 1968 a provision similar to that which had later been formulated in rule 11 of the Beijing Rules had been introduced for the purposes of protecting minors from excessive judicial involvement. However, the practical implementation of that provision had been a contributory factor in the case already mentioned in which a 17-year-old boy had died in a police station when he had not received prompt medical attention. It was important to assess the practical effect of such well intentioned principles in countries where relevant experience had already been gained.

13. In response to the question raised by Mrs. Sardenberg about society's reaction to the new perception of children, he said there were two main types of reaction - the spontaneous reaction of the public as a whole and the organized reaction of NGOs and community bodies. In Argentina, the response of the NGOs in human rights matters had been very positive, as testified by

the voluntary affiliation of 250 NGOs with the National Council for Children and the Family. Throughout the country, such bodies were very much aware of the rights of the child and the child's status as a subject of law. Public awareness, however, must be increased and to that end continuous efforts were required in order to make society as a whole aware that the child should not be regarded as an object - of either affection or hatred - but as a subject possessing rights.

14. Mrs. EUFEMIO, referring to human rights training, drew attention to the importance of training professionals such as social workers, judges, teachers and medical personnel. It was important that there should be a general awareness of the need for relevant education from an early age, especially in the face of increasing instability in families. Was the need for psychosocial support for families recognized so that they were enabled to function in such a way as to promote the rights of the child? What was the number of officials whose responsibility was to assist families in areas such as child-rearing duties?

15. Mr. HAMMARBERG said that the information he had received from a group of NGOs in Argentina spoke of 40 per cent of births taking place in conditions of poverty, with 25 per cent of them being to single mothers under the age of 17, in other words, some 10 per cent of all births. The other figure had been taken from the 1992-1993 report of the Inter-American Commission on Human Rights, which stated that there were 92,000 single mothers in Argentina aged between 12 and 18. The Government probably possessed more accurate figures. Whatever the precise number, teenage pregnancy appeared to be a problem; hence the connection he had made to article 24 (f) of the Convention. It seemed to him that the government policy that had been described was precisely what was intended by article 24 (f). Many other countries had similar problems but had not entered reservations. He believed that the provision was an important aspect of the Convention. Teenagers, especially where support from the parents was not strong, could be reached through education on family responsibility, and schools and society had a part to play in that respect. Argentina's declaration in relation to article 24 (f) could be seen as disagreeing with that important point.

16. He thanked the delegation for the information on the ill-treatment of children and on the correction centres. He had a further question, however, on the right of punishment in the family. He asked whether it was permitted by law to hit children, in the civil context of the family. He believed it was important to have a clear legal prohibition, not for purposes of prosecution but to give a signal to society that children should not be subjected to ill-treatment by bigger and older people.

17. Mrs. SARDENBERG said she would like more information on the relationship between the State and NGOs in Argentina. In many of the countries formerly under military dictatorship, NGOs had been to the fore in pressing for observance of human rights. In some cases, in the difficult process of adjustment to democracy, it had been necessary to build a new relationship with them. She asked whether there were any difficulties in that connection in Argentina, how the work of the NGOs was financed, and in what areas the Government actually worked with the NGOs.

18. Mr. PAZ (Argentina) said, in reply to Mrs. Eufemio, that there were some 48,000 qualified social workers in Argentina, employed by the national and provincial governments and in some cases by private firms to work with children, the family and the elderly. Their work was regarded as very important.

19. In reply to Mrs. Sardenberg, he said that Argentina, like Brazil, worked very closely with the NGOs in all aspects of the protection of children. Most of those organizations received funds either from the Government or from private firms interested in supporting their work.

20. Mr. ALVAREZ (Argentina) said there were many NGOs in Argentina concerned with social welfare and human rights. Some of them worked directly with children, the elderly and the disabled, while others were more concerned with public education and information. The organizations which worked with children received financial support from the national or provincial governments. The system of subsidies varied, from payment of a proportion of the organization's costs to a global amount handed over to the organization to be spent as it decided. Two hundred and fifty NGOs working with children received monthly subsidies totalling $1 million. Subsidies were also paid to the many NGOs working in education. The way in which their work was integrated with that of the State officials also varied from province to province. One of the goals set by the National Council for Children and the Family in order to implement the Convention during the period 1993 to 2000 was that the State should promote the integration of legally recognized bodies, meaning NGOs, into the execution of its policies and should finance and monitor their operations.

21. In response to Mr. Hammarberg, he said that the final figure of 10 per cent coincided more or less with the official figure of 9.7 per cent of births to mothers under the age of 19. Most of them, in fact, were close to the age of 18 and were unmarried. A programme of health education was under way to discourage early marriage and single motherhood, and an effort was being made to create the social and cultural conditions that would promote later marriage. The Argentine declaration on article 24 (f) had been intended precisely to extend and reinforce the idea of education for responsible parenthood.

22. The 1985 revision of article 268 of the Civil Code prohibited any kind of physical punishment of children. The slightest injury was punishable as an offence. He agreed, however, that from the point of view of the family the message was more important than the penalty, namely, that parents must not exercise their parental and child-rearing function through violence. Nevertheless, family violence did occur and many of the institutions involved in trying to solve the problem were pressing for specific legislation on violence within the family.

23. Mr. MOMBESHORA asked whether there was any mechanism in place to monitor compliance with court orders for maintenance and ensure that, if an order was not complied with the child received continuing support.

24. Mr. ALVAREZ (Argentina) said that there were various programmes in operation to subsidize the basic needs of families in cases where a parent who had been ordered to pay maintenance was unable to do so. Teenage mothers, in particular, were covered by the programme for the prevention of abandonment and protection of mothers at risk. That programme, which had been instituted in 1991, followed the teenage mothers from the time they first learned of their pregnancy. Similar programmes existed in some of the provinces. One of the goals of the National Council for Children and the Family was to extend such programmes to all jurisdictions so that support for all mothers would start with pregnancy. A formal undertaking was set out in article 75 of the new Constitution requiring Congress to adopt legislation to protect mothers and children, from pregnancy through early childhood, by means of special social security measures.

25. The CHAIRPERSON invited the Committee to proceed to the sections of the list of issues entitled "Basic health and welfare" and "Education, leisure and cultural activities", which read:

"Basic health and welfare

(Arts. 6, para. 2, 23, 24, 26, 18,. para. 3, and 27, paras. 1-3, of the Convention)

23. How many HIV infected children are registered in Argentina (para. 83 of the report)? Are there any positive results in prevention of the transmission of HIV infection?

24. Give details of your primary health care programmes, with particular emphasis on mother and child health.

25. Please provide information on accessibility to health institutions in both rural and urban areas.

26. Please provide information on the budget allocation for health.

Education, leisure and cultural activities

(Arts. 28, 29 and 31 of the Convention)

27. In the light of articles 28 and 29 of the Convention and the relevant chapter of the adopted guidelines, please provide information on the implementation of these provisions and in particular:

- How the right to education is ensured on the basis of equal opportunity and what special measures have been taken to reduce possible existing disparities, including between boys and girls and urban and rural areas;

- What measures have been taken to encourage regular school attendance and the reduction of drop-out rates;

- What measures have been taken or are envisaged to include the rights of the child in the school curricula, as an illustration of education on human rights;

- How are the aims of education, reflected in article 29 of the Convention, given due consideration?"

She noted that many of those questions had already been answered.

26. Mr. MOMBESHORA said that the initial report included very little information about health services or the amount of resources allocated to health. He asked whether there were any great disparities between rural and urban areas in access to health institutions.

27. The CHAIRPERSON asked whether there were any figures for the number of disabled children in Argentina, what types of disability were prevalent and whether there was any provision for early detection.

28. Mr. ALVAREZ (Argentina) said that in Argentina 1994 had been proclaimed as the year for the full integration of the disabled into society. All the services concerned with children, health, education and social welfare, paid special attention to the disabled. While there had been no national census of disability, it would appear from estimates and projections that physical disability was most prevalent among adults, largely as a result of accident. There was a wide range of mental disability which, in the case of children, was dealt with through special education. The system whereby such special education was gradually being integrated into the ordinary schools was the most advanced in Latin America. Sensory disability, blindness or deafness affected about 1 per cent of children, and a network of special schools with specially trained teachers had been established to meet their needs. The health services provided rehabilitation treatment and the social welfare services promoted the social integration of disabled persons by providing training in work skills and facilities for sport and recreation. It was hoped that 1994 would see a marked step forward in social attitudes to disability and the full integration of the disabled.

29. As had already been explained, the responsibility for the direct execution of programmes in support of children had been transferred to the provinces. The services thus provided were financed by a system known as "federal co-participation". National tax revenue was distributed to the provinces for administration by them and further redistribution to the municipalities. All State revenue was distributed daily, according to quotas fixed by law, between 24 jurisdictions. A portion of the national revenue was retained for such centralized functions as external relations, the armed forces and so on. In the past three years, the system had become almost fully operational. It was not to be confused with privatization and meant not the abandonment of any State function, but simply the return to the provinces, which had existed before the federal State had been constituted, of their original responsibilities.

30. Since Argentina was a very large country, the relative situation of the provinces differed greatly. Most were highly urbanized, only 13 per cent of the national population being classified as rural, but some were sparsely

populated, and had physical features that made access to medical services more difficult. Money was not the problem, since such thinly settled and distant provinces as Argentine Patagonia received additional aid under the federal co-participation system. To make up for the distance from the capital, 3,000 kilometres in the case of Patagonia, they were given the most money per capita.

31. The CHAIRPERSON invited the Committee to turn to the last section of the list of issues, entitled "Special protection measures", which read:

"Special protection measures

(Arts. 22, 30 and 32-40 of the Convention)

28. Please provide information on the measures adopted, including at the legislative level, to ensure protection of and enjoyment by refugee or asylum-seeking children of the rights recognized by the Convention, as well as specific statistical information and indicators on this reality in Argentina, including their origin, the registration system adopted and the special programmes implemented for unaccompanied minors.

29. In the field of administration of juvenile justice, please provide further information, in the light of articles 37, 40 and 39 of the Convention, in particular on:

- The prohibition of the death penalty and life imprisonment without possibility of release;

- The prohibition of unlawful or arbitrary deprivation of liberty;

- The use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time (see in particular para. 109 of the report);

- The possibility to have prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon (see in particular para. 109 of the report);

- The right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;

- The measures taken to implement article 40 of the Convention, including the safeguards to be ensured to the child alleged as, accused of or recognized as having infringed the penal law;

- The measures taken or envisaged to deal with such children without resorting to judicial proceedings, and providing for human rights and legal safeguards to be fully respected;

- Alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being;

- Special training courses for professional groups such as judges and law enforcement officials in the light of the Convention and of other United Nations standards adopted in the field of the administration of juvenile justice.

30. Please provide further information on the way the provisions adopted in the area of protection of children from economic exploitation, namely through labour, are effectively implemented, which difficulties have been encountered, situations where sanctions have been applied in case of violation of the law, as well as the measures adopted to ensure an effective system of inspection. Moreover, please provide information on the measures adopted to protect children working in the informal sector."

32. Mrs. EUFEMIO asked whether there were any details in the supplementary report on the extent of the sexual exploitation of children or child pornography. Was child prostitution prevalent? If so, was it related to sexual abuse in the family? Also, were there any cases of paedophilia? She would particularly like to know what steps were being taken to promote the psychological recovery and social integration of the victims. She was interested in social measures rather than legislation, and wished to know whether any difficulties were encountered in implementing them.

33. Mgr. BAMBAREN GASTELUMENDI asked whether there were special premises for children who were detained or imprisoned or whether they were housed with adult prisoners. It was felt in many quarters that juvenile delinquency was in fact a product of the adult world and that children who came into conflict with the law were most often the victims of society. There was a problem in some Latin American countries of children being hired by adults to take part in crimes. He asked whether there were any such instances in Argentina.

34. He would also like to know whether the ambitious programme designed to provide assistance to children in situations of exploitation had been launched. Finally, in the context of the excessively high Argentine illiteracy rate, the school dropout rate, involving one third of the school population, was alarming. Apparently, 400,000 Argentine children lacked teachers; the shortage of teachers was another form of neglect. In such circumstances, children tended to get into trouble.

35. Mr. HAMMARBERG said that Argentina had traditionally been a generous host country to refugees and would probably continue to be so. What measures had been taken to ensure the registration, at birth, and the education of the refugee child? Conditions in juvenile detention centres often deteriorated, and carers for such children were often inadequate for their task. A system for monitoring conditions, a channel for lodging complaints and programmes to prepare juveniles for social reintegration had all proven necessary. The Argentine delegation should comment on any measures it had taken in that regard.

36. According to information provided by ILO, while Argentina had ratified all international legal instruments relating to the protection of children from economic exploitation, there was uncertainty about the application of those standards and about measures taken to monitor their enforcement. Further information on that point would be useful.

37. Mrs. SARDENBERG said that, first the Argentine delegation should describe any special programmes for assistance to refugee children. Secondly, it should describe any difficulties Argentina had encountered in implementing the provision of the Federal Education Act that recognized the right of indigenous people to preserve their identity and to be taught in their own language. Mention had also been made of special education programmes. Did that category include educational programmes for indigenous children?

38. Mr. KOLOSOV inquired whether the treatment of juvenile offenders differed according to socioeconomic class, and if so, what measures were being taken to redress such an inequity.

39. Mgr. BAMBAREN GASTELUMENDI noted that no answer to question 30 appeared in the documentation provided by Argentina; the reply to question 29 was followed by a series of statistical charts. What measures had Argentina taken to meet ILO requirements? What concrete measures had Argentina taken to guarantee the protection of the minors concerned? What difficulties had the Government experienced in attempting to halt the economic exploitation of children? The description of any cases in which penalties had been imposed on violators of anti-child labour laws, as well as statistical information on the incidence of child labour, especially in urban centres, would be welcome.

40. The CHAIRPERSON invited the Argentine delegation to respond to the additional questions raised by the members of the Committee.

41. Mr. ALVAREZ (Argentina) said that figures on the economic exploitation of children appeared in the supplementary report, (table 19), which charted the economically active population for 1993. That table showed that the incidence of child labour was in fact concentrated in Greater Buenos Aires, where children up to the age of 14 working illegally in the informal sector numbered 27,000. The economic exploitation of children did seem to accompany urbanization: large numbers of children also worked in such major cities as Córdoba, Tucumán and Rosario. The table did not include children engaged in rural farmwork, considered to be a contribution to the family. It did include the children of foreign immigrants, but excluded those of refugees. In that

matter, Argentina relied on the assistance of international organizations and specialized agencies; refugee children naturally required special attention. He wished to assure the Committee that all refugees in Argentina were accorded the preferential treatment they deserved.

42. The relationship between child prostitution and incest had been aptly noted. Years of work with prostituted children - Argentina preferred that term to "child prostitutes" since children were always prostituted by adults - had shown that an early incestuous rape usually figured in the personal profile of a prostituted girl child. Efforts to combat incest therefore also served to prevent child prostitution; the loss of esteem suffered by the victim of incest set the stage for her induction by a pimp into a life of prostitution.

43. The cases of child prostitution that had come to light in Argentina in recent years corresponded to a worldwide cultural trend toward paedophilia - the sexual interest in young children. Foreign pimps specializing in that area had been arriving in Argentina, and the police and the Judiciary were engaged in a daily campaign to combat that phenomenon. The problem was a thorny one. Even if the pimps were arrested, child prostitution would persist for as long as clients existed; a profound attitudinal change was required. Argentina was communicating closely with the authorities of countries which were exporting prostitution, for the purposes of repatriation and treatment of such persons.

44. Although the treatment of young offenders in Argentina did not differ from class to class, there were socio-economic reasons for the commission of transgressions. Ninety-five per cent of the offences committed by young offenders were against property, which ranged from simple robbery and robbery involving property damage to armed robbery. Only 5 per cent were assaults on the life or physical integrity of a person. The few murders by Argentine children were committed in the course of a robbery. While there were no child assassins hired by adults, children were sometimes used in robberies or in crimes related to the narcotics traffic. His Government was working on an effective approach to the problem of the use of children in crimes.

45. The programme to combat the economic exploitation of children, launched in 1993, was currently operating in the Greater Buenos Aires region. It had not yet been introduced in the provinces, where more traditional programmes for assisting street children were in effect. That programme had successfully led thousands of children to withdraw voluntarily from criminal activity, and had brought about the prosecution of a number of adults for the enslavement and exploitation of children. Professionals working with that programme had received threats, a problem currently under federal investigation. Furthermore, a network of governmental and non-governmental organizations addressing the problem of child exploitation operated in most Argentine cities. Of particular note was the programme of the Catholic Salesian congregation, which offered protection services to children in situations of risk throughout Argentina.

46. Table 15 of the supplementary report showed school enrolment rates in Argentina, province by province. Table 16 broke down the child population into those who attended, no longer attended, and had never attended school.

The 5 to 14 age group consisted of 137,300 who had never attended and 268,000 no longer attending, as compared to 6.6 million still attending. Those figures were lower for the 15 to 19 age group. The Federal Education Act would, however, extend mandatory education to the age of 16.

47. Table 17 showed the number of teachers in Argentina, and the number of students per teacher. In 41,900 educational institutions, there were 728,300 teachers for 10 million students. Argentina's body of teachers sector was the largest in the region. The figure cited, 400,000 children who lacked teachers, did not match the information he had available, unless it included children of secondary school age as well.

48. Registry offices recorded all births in Argentina, including those of children of refugees. The figures for refugee children were very accurate because most groups of refugees resided in cities and gave birth to their children in hospitals.

49. In reply to questions about young offenders, he said that there was no perceptible distinction, in matters of transgression of the law, between juveniles from poor or more affluent backgrounds. But for a variety of economic, cultural and sociological reasons, differences in the manner of treatment of young offenders - irrespective of their social background - existed between the major cities, on the one hand, and the provinces, on the other. The Federal authorities' task was to ensure the nationwide implementation of judicial orders that appeared to be most suitable and successful, while being compatible with the provisions of the Convention.

50. Reliable national statistics indicated that, out of every 100 juveniles who came into conflict with the law, 90 were placed under the "assisted freedom scheme", 10 were placed in institutions and only 1 was detained in custody. Those figures were indicative of Argentina's commitment to alternative measures, but they had fuelled the arguments of those who advocated sterner treatment of young offenders, as well as a lowering of the age of criminal responsibility (currently 16 years). The authorities intended to maintain their position, however, and no changes in the situation were envisaged. There was no scientific evidence that a reduction in the age of criminal responsibility would lead to a reduction in delinquency.

51. As described in the reports, jurisdiction over criminal cases involving minors rested, inter alia, with the juvenile courts, in which proceedings were entirely oral, cases being handled by special magistrates and judges. That system - deemed to be the most suitable one for offenders between the ages of 16 and 18 - was not yet applied in every province, but the aim was to implement it nationwide.

52. On sentencing, he said that figures for the Greater Buenos Aires region indicated that about 1,000 juvenile cases came before the courts each year. It was unusual for juveniles to be deprived of their liberty; some 100-120 children were involved each year in serious crimes. Steps were taken, where possible, to ensure that juveniles under detention were held separately from adults. Efforts were also being made, often at the request of

the provincial authorities themselves, to create and extend systems of surveillance and therapeutic care for juveniles, and thus replace correctional facilities and police detention. That was fully in keeping with the Convention.

53. Concluding his responses, he thanked the members of the Committee for their questions and comments, which had been duly noted and would be of great assistance to all who defended the cause of children, not only in Argentina, but everywhere, helping them to advance together towards their common goal.

54. The CHAIRPERSON thanked the Argentine delegation and invited members of the Committee to make their final remarks.

55. Mrs. SARDENBERG thanked the Argentine delegation for its cooperation and noted with satisfaction Argentina's ratification of a number of international human rights instruments and the incorporation of their provisions into national legislation. There was obviously a considerable degree of political commitment to implement those instruments, and to seek solutions to outstanding problems with full respect for the rights in question.

56. On the negative side, it must be acknowledged that the initial report by Argentina had not been in conformity with the general guidelines (CRC/C/5) and that the voluminous supplementary report, which had arrived late, was rich in legislative detail but lacked factual and statistical material. More importantly, it failed to provide a comprehensive critical analysis of the actual situation of children in Argentina or to provide information on problems that were encountered on a daily basis and on the manner in which those problems were being tackled, in the spirit of article 45 of the Convention.

57. One specific matter which caused her continuing concern was that of discrimination, particularly with regard to indigenous people, young girls and abandoned children. In that domain, as in others, she would welcome an assurance that steps were indeed being taken, as a matter of priority, to bridge the gulf between principles sanctioned by legislation and action to transform those principles into realities.

58. Lastly, she urged the Argentine Government to reconsider, with a view to their withdrawal, the reservation and the declarations made at the time of signature and ratification of the Convention.

59. Mrs. EUFEMIO commended the willingness of the Argentine delegation to respond to questions posed by members of the Committee, notably in relation to national legislation and to issues where information was readily available. She wondered whether the Argentine delegation had the possibility of requesting technical assistance in mind. If so, she would welcome such a request.

60. In connection with article 18 of the Convention, she said that one matter of particular concern was the plight of lone mothers, teenage mothers and mothers of needy families. She would have welcomed greater reassurance about the understanding on the part of the Argentine authorities of the many additional problems encountered or created by families at risk, and of the

State's responsibility to provide appropriate assistance. Legislation alone could be of little avail without strategies of implementation and mechanisms to evaluate the success of those strategies. It was especially important to remember that children constituted the most vulnerable element in any family, and particularly in families at risk.

61. Mgr. BAMBAREN GASTELUMENDI expressed satisfaction with the serious discussion that had taken place, with Argentina's achievements in the recent past and with the promising signs for future progress in the promotion of the Convention and implementation of appropriate legislation. Although the State had a major obligation and role to play in making the provisions of the Convention a reality, maximum popular participation was also called for, with the mobilization of NGOs, the community and the family. Families, could exercise a negative as well as positive influence with regard to the rights of the child and often needed a great deal of support, guidance and information. He was thinking particularly of the plight of teenage mothers. Obviously, education at both the primary and secondary levels was the key to the solution of many of the problems, and he wished the Argentine authorities every success in implementing appropriate programmes in those as in other areas.

62. Mr. MOMBESHORA said that fellow Committee members had voiced many of his own concerns. His own final remark would be to inquire about the proportion of the national budget allocated to health. The most recent figures had not been provided, but he understood that some three years before, the figure had been about 2 per cent. That was certainly inadequate and he hoped that it would be increased in the near future. As to all the programmes outlined during the discussion, he hoped that they would be implemented successfully.

63. Mr. KOLOSOV, referring to the obvious difficulties encountered by the Argentine authorities in the process of transition to democracy, said that a commendable amount of progress had obviously been made, notably in the legislative and administrative spheres. Unhappily, however, for the Committee, Argentina's initial report had not been in conformity with its general guidelines; and the supplementary information had arrived so late as to be virtually unusable. Moreover, in the reports themselves and the oral replies to questions, it had been easier to discern achievements in the sphere of legislation than in actual implementation. But Argentina was a very large country, and progress could not be expected to be smooth.

64. Like Mr. Hammarberg, he regretted that the meeting with the Argentine delegation had not resulted in genuine dialogue and an exchange of views on problems, difficulties and weaknesses, despite the delegation's obvious qualifications and willingness to respond to questions. He hoped that when Argentina submitted its next report, in five years' time, the dialogue with the Committee would reveal genuine progress at the federal, provincial and municipal levels alike. In the meantime, he considered that were UNICEF to arrange another field mission to Latin America for Committee members, Argentina should be placed on the list of countries to be visited.

65. Ms. BELEMBAOGO, thanking the Argentine delegation for its replies, noted with particular satisfaction the constitutional rank accorded to the Convention and the Government's concern to ensure that its provisions were

reflected in federal and provincial legislation. Her own concluding remarks would consist of suggestions for consideration by the Argentine authorities.

66. In the first place, the Government might wish to think further about the coordination of programme implementation in relation to the Convention and the establishment of a national system for the collection of data, so that progress could be monitored. Secondly, she suggested that Argentina's reservation and declarations in relation to the Convention should be reconsidered. Thirdly, more attention might be given to promotion and information activities, and to the inclusion of human rights in the curricula of schools and vocational training institutions. Further, she would suggest a review of existing legislation with a view to eliminating elements that were at variance with the provisions of the Convention and harmonizing provisions relating to the rights of the child, on the one hand, and the rights of the family, on the other. Lastly, she recommended that human rights teaching should be strengthened as part of the training of all persons who would be working with children and young people, including members of the armed forces and the police.

67. Like other members of the Committee, she greatly hoped that Argentina's next report would demonstrate substantial progress as the result of the cooperation and efforts of all the parties concerned.

68. Mr. HAMMARBERG drew attention to a number of positive achievements by Argentina: the low infant mortality rate; the successful immunization programme; a good record in literacy training and education; and comparatively egalitarian treatment of the sexes.

69. As to the Committee's outstanding concerns, he stressed that its conclusions would be of a preliminary nature pending study of the supplementary report. It felt a measure of concern about budgeting procedures in Argentina, with special reference to article 4 of the Convention; and the need for further structures to monitor the implementation of international standards, a task that was by no means easy in a federal State. Whilst welcoming the efforts made in the domain of training, the Committee was not sure whether human rights teaching was provided throughout the educational system, and in professional training for persons who would be working with children including the police. It would have welcomed more detailed information in that respect. The ill-treatment of children was a matter of special concern; violence in the family must be covered by legislation. In that connection, it was important to acknowledge that, while a great deal of violence undoubtedly existed within families, it was there that the facts were most difficult to ascertain in order to ensure protection. That was an area where a concerted and comprehensive programme was called for, ranging from social casework to the provision of broader information and other action in which the best interests of the child must be uppermost. Lastly, he hoped that the Committee's concluding observations would address the important issue of single mothers and teenage pregnancies.

70. The CHAIRPERSON, bringing the discussion to a close, noted a number of positive points. Argentina's ratification of human rights instruments and their incorporation into internal law were particularly noteworthy actions, as was the creation of the National Council for Children and the Family. The supplementary information provided had been welcomed despite its late arrival.

71. On the debit side, it seemed that there remained a considerable gap between the provisions of the law and action to implement those provisions. The Committee had voiced its concern about the reservation and declarations made at the time of signature and ratification of the Convention, and had drawn attention to a number of outstanding problems in relation to the family. Tables and statistics had been provided which gave a generally hopeful overall picture of the economic and social situation, notably in respect of health and education. However, it might be asked whether averages did not conceal disparities and whether, in fact, considerable pockets of poverty did not remain in the country. It certainly appeared that further efforts were needed to remove persistent discrimination and distinction between the more and less privileged sectors of the population.

72. Participation had been discussed at some length, but it was not certain that the dialogue had resulted in mutual understanding. There could be no doubt that the right to participate existed under the Argentine Constitution, but questions remained as to the actual ability to participate. To be meaningful, participation must begin at the family level, as each individual asserted his or her personality. It should be fostered in schools, where pupils could be taught the skills of participation and, more particularly, ways and means of organizing themselves.

73. Like other members of the Committee, she considered that the dialogue was still at an early stage, but that it had proved fruitful. It was to be hoped that in five years' time a great deal more would have been achieved, with the National Council for Children and the Family serving both as an instigator in the promotion and protection of children's rights and as a vital player in that process.

The meeting rose at 1 p.m.